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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/601,738 | 06/23/2003 | Volker Pretzlaff | KOA 0234 PUS (R 1381) | 7534 |

22045 7590 02/16/2005

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| EXAMINER | |
|---|---|
| NGUYEN, NAM V | |
| **ART UNIT** | **PAPER NUMBER** |
| 2635 | |

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/601,738 | PRETZLAFF ET AL. | |
| | Examiner | Art Unit | |
| | Nam V Nguyen | 2635 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *23 June 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/23/03; 8/22/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

The application of Pretzlaff et al. for a "keyless access authorization control device and identification transmitter therefor" filed June 23, 2003 has been examined.

This application claims foreign priority based on the application 101 06 956.1 filed February 15, 2001 in German. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a) – (d), which papers have been placed of record in the file.

This application claims priority to a CON of PCT/EP02/01383, which is filed on February 09, 2002.

Claims 1-20 are pending.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

No where in the specification describe the limitation that "for each object the identification device or a base module has a respective memory chip containing a code attuned to the object".

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 6, the phrase "each object module being assigned to a respective object and each object module having the memory chip with the code attuned to the respective object" is confusing and unclear. It is not understood what is meant by such a limitation. Is there only one object module being assigned to a plurality of objects? Each object module includes the memory chip of an identification device or having the memory chip of itself?

Referring to claims 2-5 and 7-10 are rejected as being dependent upon a rejected Claims 1 and 6 above.

Claim 19 recites the limitation "the at least two buttons" in the claim 19. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-8, 10-16 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by King (PGPUB# 2002/0067826).

Referring to claims 1, 6, 11 and 13, King discloses a reconfigurable universal trainable transmitter as recited in claims 1, 6, 11 and 13. See Figures 1-2 and respective portions of the apparatus and method.

King discloses a keyless authorized access control system (10) (i.e. a vehicle transmitter system) (page 1, paragraph 0005; see Figures 1 and 2), the system (10) comprising:

at least two transceivers (44a and 44b) (i.e. a transceiver of a security systems), each transceiver (44a or 44b) being assigned to a respective object (i.e. 44a to a receiving system of a garage door and 44b to a receiving system of a home security) (page 2, paragraph 0018; see Figures 1 and 2); and

an identification device (12) (i.e. a trainable transmitter) having a base module (30 and 36-38) (i.e. a transmitting circuitry in an identification 12) operable to communicate with the transceivers (i.e. transceivers of a security systems) assigned to the objects (44a and 44b), for each object (44a or 44b) the identification device (12) has a respective memory chip containing a code (i.e. a digital code) attuned to the object (44a and 44b) (page 2 paragraph 0010 to page 3 paragraph 0014; page 2 paragraph 0020; see Figure 2);

the identification device (12) further having at least one object module (14a to 14e) (i.e. data modules), each object module (14a) being assigned to a respective object (44a) (i.e. a garage door) and each object module (14a) having the memory chip (not shown) (i.e. ROM chip) with the code (i.e. a single digital code) attuned to the respective object (44a) (page 1 paragraph 0011; page 2 paragraph 0020; see Figures 1-2);

each object module (14a) (i.e. data module) being interchangeably connected to the base module (12) through a respective interface (22 and 18) (i.e. connectors) in order to communicate the codes (i.e. digital codes) to the transceivers (i.e. transceiver of a security systems) assigned to the respective objects (44a and 44b) (i.e. a garage door or a home security) (page 1 paragraph 0012; page 2 paragraph 0018; see Figures 1-2).

Referring to Claims 2, 7 and 15, King discloses the system and the device as recited in claims 1, 6 and 13, wherein the base module (12) has a memory chip (i.e. a ROM chip) with a code (i.e. a digital code) attuned to one of the objects (44a and 44b) (i.e. a garage door or a home security), the base module (12) communicating the code of the memory chip of the base module

to the transceiver (i.e. a transceiver of a garage door or a security system) assigned to the one object (44a or 44b) (page 1 paragraphs 0010 to 0012; page 2 paragraph 0018; see Figures 1-2).

Referring to Claims 3 and 8, King discloses the system and the device as recited in claims 1 and 6, wherein: the base module (12) has a button (34a or 34b) (i.e. a user input switch) operable for activating the identification device to communicate the codes to the transceivers assigned to the respective objects (44a and 44b) (i.e. a garage door and a home security) (page 2 paragraphs 0017 to 0018; see Figures 1-2).

Referring to Claims 5, 10 and 20, King discloses the system and the device as recited in claims 1, 6 and 13, wherein: each object module (14a to 14e or 16) (i.e. a data module) has an electronic subassembly (i.e. a cartridge) relating to the assigned object for carrying out object-specific communication with the transceiver assigned to the assigned object (page 1 paragraphs 0010 to 0011; page 2 paragraph 0021; see Figures 1-2).

Referring to Claims 12 and 14, King discloses the system and the device as recited in claims 11 and 13, wherein: the base module (12) of the identification device has at least two receptacles (22) (i.e. electrical connectors) with each receptacle receiving one of the object modules (14a to 14e) in order to interchangeably connect the object modules (14a to 14e) to the base module (12) through the respective interfaces (20) (i.e. sockets for interface) (page 1 paragraphs 0010 to 0013; see Figure 1).

Referring to Claim 16, King discloses the system and the device as recited in claim 13, wherein: the object module (14a) and the base module (12) have corresponding plug-and-socket connectors (20) (i.e. a socket) in order to interchangeably connect the object module (14a) to the base module (12) (page 1 paragraphs 0010 to 0013; see Figure 1).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4, 9 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (PGPUB# 2002/0067826) as applied to claims 1, 6 and 13 above, and in view of Eklind et al. (US# 6,374,164).

Referring to claims 4, 9 and 17-18, King discloses the system as recited in claims 1, 6 and 13, however, King did not explicitly disclose wherein each object module has a button operable for activating the identification device to communicate a command with the respective code to the transceiver assigned to the object when the object module is connected to the base module.

In the same field of endeavor of remote control device for a vehicle, Suyama et al. teach that each object module (56) (i.e. a remote unit) has a button (82 to 84) operable for activating

the identification device (51) (i.e. an ignition key device) to communicate a command (i.e. lock or unlock function) with the respective code to the transceiver (8a) (i.e. an antenna circuitry of a motor vehicle) assigned to the object (52) (i.e. a motor vehicle) when the object module (56) is connected to the base module (53) (i.e. an ignition key) (column 5 lines 59 to column 6 line 21; column 6 line 58 to 64; see Figures 1 and 4) in order to control the function of a motor vehicle remotely.

One of ordinary skilled in the art recognizes the need to have a remote unit includes a plurality of button to activate a command function to a motor vehicle when attached to an ignition key of Suyama et al. in a trainable transmitter of King because King suggests it is desired to provide that a transmitter has plurality of switches to operate plurality of functions in different security systems (page 2 paragraphs 0017 to 0018) and Suyama et al. teach that a remote unit includes a plurality of button to activate a command function to a motor vehicle when attached to an ignition key (column 6 line 58 to 64; see Figures 1 and 4) in order to provide an ignition key device which has a remote unit and ignition key that can be attached to and detached from each other. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have a remote unit includes a plurality of button to activate a command function to a motor vehicle when attached to an ignition key of Suyama et al. in a trainable transmitter of King with the motivation for doing so would have been to provide a convenient configuration of a vehicle transmitter system.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over King (PGPUB# 2002/0067826) as applied to claim 13 above, and in view of Eklind et al. (US# 6,374,164).

Referring to claim 19, King discloses the system as recited in claim 13, however, King did not explicitly disclose at least two buttons are ergonomically different from one another to enable a user to distinguish the buttons without viewing the buttons.

In the same field of endeavor of remote control device for a vehicle, Eklind et al. teach that at least two buttons (7 to 13) (i.e. pushbuttons) are ergonomically different from one another to enable a user to distinguish the buttons (7 to 13) (i.e. pushbuttons) without viewing the buttons (7 to 13) (i.e. pushbuttons) (column 2 line 23 to column 3 line 17; see Figures 2-4) in order to operate different functions that is intended to be operated in the vehicle without difficulty.

One of ordinary skilled in the art recognizes the need to have different shape and location of pushbutton in a remote control device of Eklind et al. in transmitter of King because King suggests it is desired to provide that the transmitter has plurality of switches to operate plurality of functions in different security systems (page 2 paragraphs 0017 to 0018) and Eklind et al. teach that a remote control device has pushbutton with different shapes and location (column 2 line 23 to column 3 line 17) in order to avoid pressing a wrong button when pressing the pushbutton in a bad lighting. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have different shape and location of pushbutton in a remote control device of Eklind et al. in transmitter of King with the motivation for doing so would have been to provide an individual control device arranged differently in shape and location to avoid the risk of pressing the wrong button.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kendel (US# 5,220,319) discloses an adaptable key holder for a remote control transmitter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen
February 11, 2005

MICHAEL HORABIK
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